

the drift of my remarks, that we have got ourselves into the very difficulty I predicted we would be in whenever that rule came up. My construction of the rule is that it applies to the article, and upon that I called for the yeas and nays.

Mr. THOMAS. Before the question is decided, I wish to refer the Chair to page 83 of the Journal, (May 20th,) where Mr. Briscoe submitted the following amendment to Rule 54, to add the words:

—"but the application of this rule shall not apply to reports or articles under consideration upon the second reading."

That was decided in the negative, indicating, as I understand it, that the previous question may be called upon the second reading.

The PRESIDENT. The Chair has no difficulty with regard to this question. The rule is very clear and very explicit. The Convention has determined to reverse the well known parliamentary rule relating to the previous question. Under parliamentary law the previous question is not known upon the second reading of a bill, because it is read by section, and subject to amendment without any limitation or restriction. This Convention, however, has determined to reverse that rule and adopt the standing rule that the previous question shall be applicable to the second reading. I see but one construction that can be placed upon this 54th Rule. After the previous question has been called and sustained, the vote must be taken upon the second amendment, then upon the first amendment, and then it brings us to a direct vote upon the section, which precludes all amendment. After the vote has been taken upon the section, there is no way to reach that section except by reconsideration; and the reconsideration would place the matter exactly in the position where it originates. The Convention has also reserved to itself the privilege of amending the bill upon its third reading. Here also the standing rule has reversed the usual parliamentary rules. It was the desire of the Convention to make the previous question applicable to the second reading, and for that reason the committee attempted to distinguish between the main question and the previous question. There is no such distinction known in parliamentary law. The previous question is the main question; it includes the main question and the pending amendments. Under the 54th Rule it is applicable not only to the amendments but brings the House to a direct vote upon the section, the special matter to which the amendments relate. If that had not been inserted, it would have been competent for the Convention to take the vote upon the amendments, and after the vote upon the amendments the section would have been still open to amendment. But as the rule stands, the President rules the point taken by

the gentleman from Prince George's (Mr. Clarke) to be correct, that the question must now be taken upon the section, upon which he has called the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER demanded a division of the question.

The question was stated upon the first branch of the section, as follows:

"That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole."

Mr. STOCKBRIDGE. Is the question now before the Convention: Shall this article be adopted? or shall this be considered the second reading of this article?

The PRESIDENT. It is only upon the second reading. It then passes over to a third reading, when it will be perfectly competent for the Convention to reject the whole.

The question being taken the result was—yeas 83; nays 0—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Barron, Belt, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis of Charles, Davis of Washington, Dellinger, Dennis, Earle, Ecker, Edelin, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones of Cecil, Jones of Somerset, Keefer, Kennard, King, Larsh, Lee, Mace, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Scott, Smith of Dorchester, Smith of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden—83.

Nays—None.

So the first clause was unanimously adopted.

The question being then taken upon the second branch of the article, the result was—yeas 72; nays 11—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Barron, Belt, Blackiston, Bond, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis of Charles, Davis of Washington, Dellinger, Earle, Ecker, Edelen, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones of Cecil, Keefer, Kennard, King, Larsh, Mace, Marbury, Markey, McComas, Mitchell, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Smith of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wooden—72.

Nays—Messrs. Berry of Prince George's